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November 3, 1999

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Application of Bell Atlantic for Authority to Provide
In-Region InterLATA Services in New York
CC Docket No. 99-295**

Dear Ms. Salas:

Pursuant to Section 1.1206 of the Commission's rules, e.spire Communications, Inc. ("e.spire"), by its undersigned counsel, hereby gives notice that on November 2, 1999, its representatives met with Andrea Kearney, Julie Patterson, Anthony Dale, and Whitey Thayer of the Common Carrier Bureau; Claudia Pabo, Johanna Mikes, Daniel Shiman, Eric Einhorn, John Adams and John Stanley of the Common Carrier Bureau's Policy Division; and Renee Terry, Deborah Ramirez and Raj Kannan of the Common Carrier Bureau's Pricing Division. Representing e.spire were James Falvey, Vice President-Regulatory Affairs, Robert Girard, Network Engineer, and the undersigned.

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Ms. Magalie R. Salas
November 3, 1999
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In the meeting, e.spire expressed its concerns regarding Bell Atlantic's inability to provide interconnection trunks in a timely manner, as required by both the New York performance metrics and the Act. In addition, e.spire stated that the Commission must ensure that in the event the Commission approves Bell Atlantic's application, it must obtain from Bell Atlantic certification that the company will provide the Enhanced Extended Link in accordance with the Commission's forthcoming UNE Remand order. Further, e.spire stated that the Commission must implement strong anti-backsliding measures and make fresh look opportunities available to consumers. In accordance with Section 1.1206(b), an original and one copy of this notice, along with a copy of e.spire's presentation is being provided.

Sincerely,

A handwritten signature in black ink, appearing to read "Ross A. Buntrock", written in a cursive style.

Ross A. Buntrock

cc: FCC staff listed above
Dee May, Bell Atlantic (w/ attachment)

bcc: Jim Falvey



**Bell Atlantic-New York 271
Application, CC Docket 99-295**

James Falvey, e.spire Communications, Inc.

Robert Girard, e.spire Communications, Inc.

Ross Buntrock, Kelley Drye & Warren, LLP

November 2, 1999

Overview

- Background regarding e.spire
- Enhanced Extended Links
- Interconnection trunking issues
- Reciprocal compensation

Who Is e.spire Communications?

- Leading Integrated Communications Provider to small, medium sized businesses
- Products
 - voice, frame relay, ATM, Internet
 - end of 1999, DSL
- Voice services in 38 states, 48 U.S. markets
- New York switch turned up in late August '99

Enhanced Extended Links

- BA-NY has not demonstrated that it can/will offer EELs as required by the forthcoming UNE Remand Order
 - Only promise to provide EELs “absent further relief”
- Unavailability of EELs in New York has hurt e.spire

Enhanced Extended Links

- New York Issue

- Until August 10, 1999, the NYPSC “primarily local” restrictions on EELs were not clarified
- EEL therefore only recently became available in NY, and may not comply with Federal requirements

- Federal Issues

- Much uncertainty remains; restrictions maybe forbidden; may require conversion of special access
- If special access conversion required, what will NY implementation look like?

Enhanced Extended Links

- Commission should:
 - condition any approval upon certification of BA-NY officer that company will immediately comply with the Commission's EEL requirements;
 - preempt any New York EEL restrictions that restrict the EEL in a fashion inconsistent with the Commission's rules

Interconnection Trunking

- Interconnection Trunks Are Essential
 - Necessary to switch turn-up
 - Interconnection agreements require that orders for new trunks be placed as needed
 - No trunks available = inability to handle new customers
- Record Shows Trunk Problems Are Endemic
 - e.spire experienced serious delays in New York
 - Problems continue: e.spire received 0% commitment for trunk augmentations requested one month ago
 - Problems not just NY: In PA Bell Atlantic says will be able to meet only 17% of e.spire's forecasted demand

Interconnection Trunking

- e.spire Trunk Fiasco In New York
 - April '99 provided trunk plan, discussed switch turn-up for Aug. 2, 1999
 - May 4 provided trunk forecast through 2000
 - FOCs received were delivered late, showed that trunks would not be delivered on time
 - Process was hampered by lack of BA coordination, inefficient processes
 - Result: e.spire's entry into market delayed by almost a full month
- e.spire agrees with DOJ that on-going problems must be closely examined by Commission

Reciprocal Compensation

- e.spire just issued BA-NY first reciprocal compensation bill following adoption of MCI interconnection agreement
- Despite FCC's order, BA-NY continues protracted litigation regarding whether agreement is "preexisting"
- e.spire is owed millions in reciprocal compensation nationwide
- Commission should condition any authority on promise to pay amounts currently due

Antibacksliding Measures

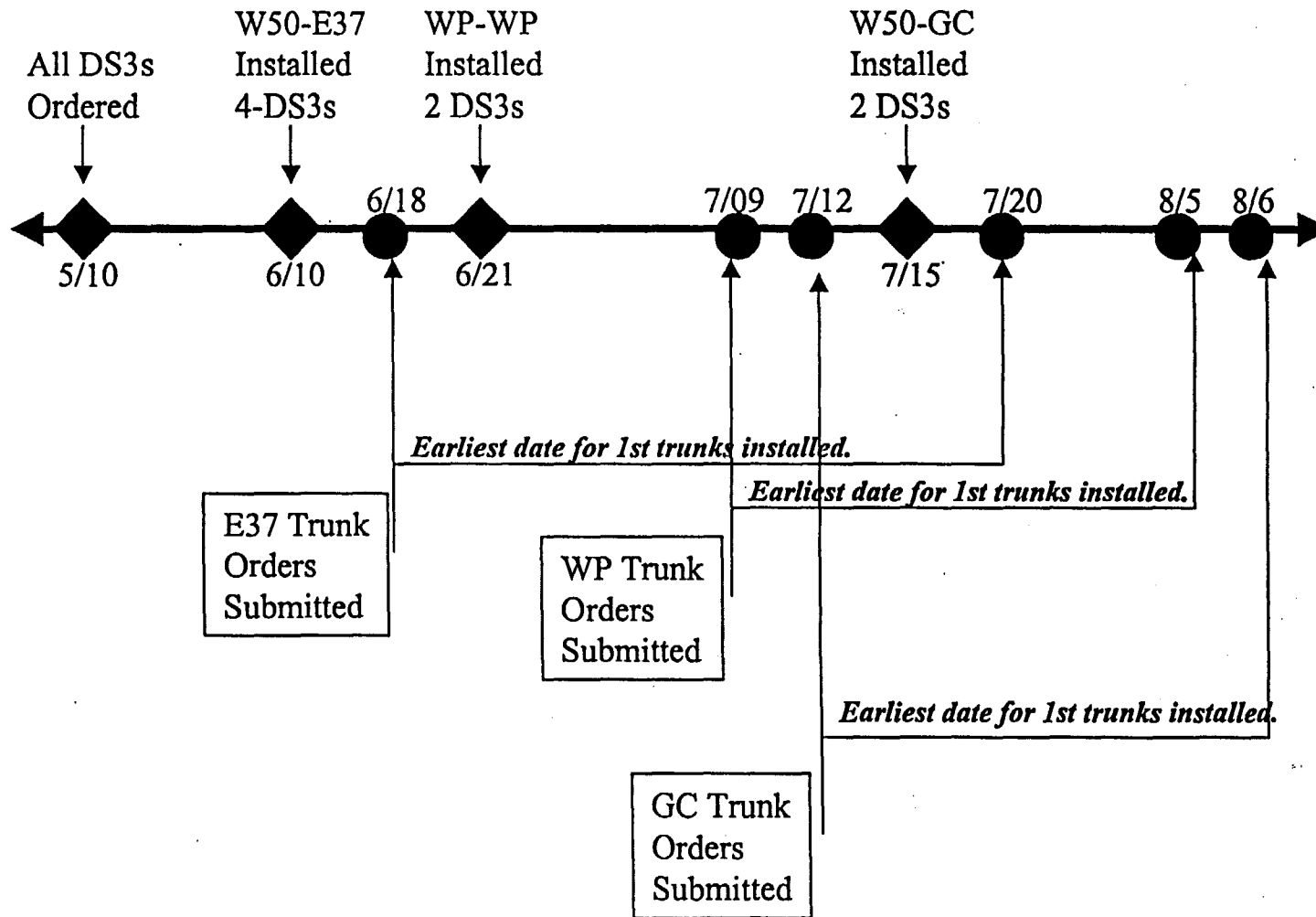
- The Commission must implement strong antibacksliding measures
 - Meaningful penalties
 - Compensation to affected CLECs
 - Suspension, revocation of authority should be used for noncompliance

New Cities: New York

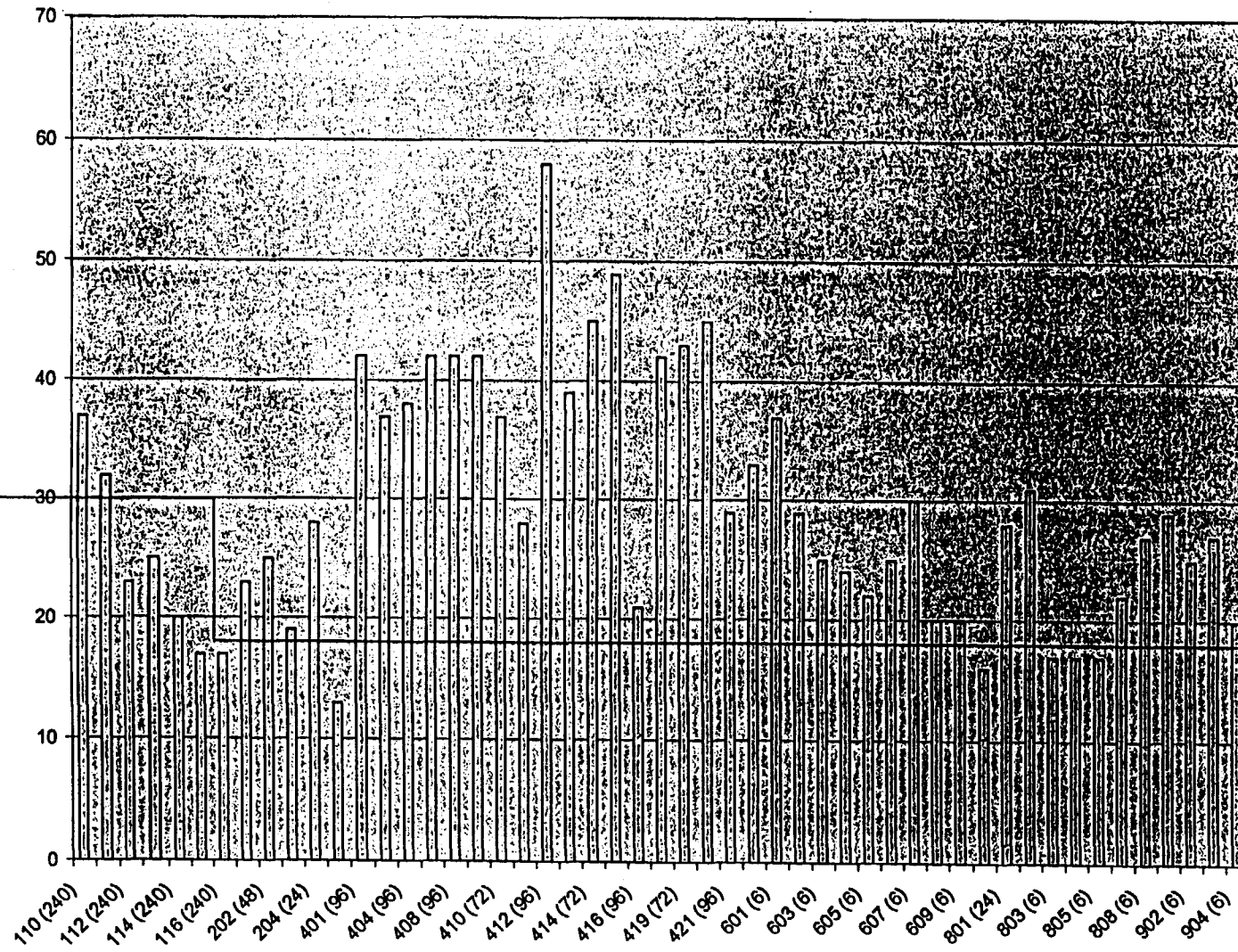
Event Summary

10/15/99

Time Line



Elapsed (Business) Days



Report Date:						
LOCATION	TG	No. Trunks	Working Days	ASR SENT	FOC RECVD	FOC DATE
GC	110 (240)	240	37	07/12/99		09/04/99
37	111 (240)	240	32	06/18/99		08/03/99
37	112 (240)	240	23	06/18/99		07/20/99
37	113 (240)	240	25	06/18/99		07/23/99
WP	114 (240)	240	20	07/09/99		08/07/99
GC	115 (240)	240	17	07/12/99		08/06/99
GC	116 (240)	240	17	07/12/99		08/06/99
37	201 (144)	144	23	06/18/99		07/20/99
37	202 (48)	48	25	06/18/99		07/22/99
WP	203 (96)	96	19	07/09/99		08/05/99
37	204 (24)	24	28	06/18/99		07/27/99
37	205 (96)	96	13	07/21/99		08/09/99
37	401 (96)	96	42	06/18/99		08/16/99
37	402 (96)	96	37	06/18/99		08/10/99
37	404 (96)	96	38	06/18/99		08/11/99
37	407 (96)	96	42	06/18/99		08/17/99
37	408 (96)	96	42	06/18/99		08/17/99
37	409 (96)	96	42	06/18/99		08/17/99
37	410 (72)	72	37	06/18/99		08/10/99
WP	411 (96)	96	28	07/09/99		08/18/99
37	412 (96)	96	58	06/18/99		09/09/99
37	413 (48)	48	39	06/18/99		08/12/99
37	414 (72)	72	45	06/18/99		08/20/99
37	415 (48)	48	49	06/18/99		08/26/99
GC	416 (96)	96	21	07/12/99		08/11/99
37	418 (72)	72	42	06/18/99		08/17/99
37	419 (72)	72	43	06/18/99		08/18/99
37	420 (72)	72	45	06/18/99		08/20/99
37	421 (96)	96	29	06/18/99		07/28/99
37	422 (96)	96	33	06/18/99		08/04/99
37	601 (6)	6	37	06/18/99		08/09/99
37	602 (6)	6	29	06/18/99		07/28/99
37	603 (6)	6	25	06/18/99		07/22/99
WP	604 (6)	6	24	07/09/99		08/12/99
GC	605 (6)	6	22	07/12/99		08/13/99
37	606 (6)	6	25	06/18/99		07/22/99
37	607 (6)	6	30	06/18/99		07/29/99
GC	608 (6)	6	20	07/12/99		08/10/99
WP	609 (6)	6	20	07/09/99		08/06/99
37	701 (6)	6	16	07/09/99		08/01/99
37	801 (24)	24	28	06/18/99		07/27/99
37	802 (24)	24	31	06/18/99		07/31/99
GC	803 (6)	6	17	07/12/99		08/06/99
GC	804 (6)	6	17	07/12/99		08/06/99
GC	805 (6)	6	17	07/12/99		08/06/99
WP	807 (6)	6	22	07/09/99		08/10/99
WP	808 (6)	6	27	07/09/99		08/17/99
37	901 (6)	6	29	06/18/99		07/28/99
37	902 (6)	6	25	06/18/99		07/22/99
GC	903 (6)	6	27	07/09/99		08/16/99
WP	904 (6)	6	20	07/09/99		08/06/99